

207B .VI91 1617 . Vol 001
MOLYCORP INC. QUESTA DIV
P.O. BOX 469



\$000207765 WA/NP/AP

V
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91

9389760



3-4-13-1

FTW-01-02-044-2-005-02-002

Transfer#: F412-05-0074

Box:4 CC:R6

ARR1-626901801

Asset#: %00076050

Whole Container: N

C/F: VI-91-1617 VOL 1 MOLYCORP \$00207765

Created:3/1/2013

THOUSE

General Reference

Temporary Loan of Records

Standard

Other (contact FRC to arrange) BILL OUR UPS ACCOUNT

To: PATRICIA VINCENT

EPA / DALLAS , 1445 ROSS AVE., SUITE 1200
DALLAS, TX, 75202

P : (214) 665-6532

F :

1
6
1
7

JUN 10 1991

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 528 093)

Mr. David R. Shoemaker
Mine Manager
Molycorp, Inc., Questa Division
P.O. Box 469
Questa, New Mexico 87556

Re: Consent Agreement and Order Assessing Administrative Penalties
Docket No. VI-91-1617
NPDES Permit No. NM0022306

Dear Mr. Shoemaker:

This is to acknowledge receipt of your letter dated April 11, 1991, transmitting the "Consent Agreement and Order Assessing Administrative Penalties" signed by yourself. As no comments were received from the general public during the thirty (30) day public notice period, the Environmental Protection Agency hereby issues this Final Consent Agreement and Order.

The Consent Agreement shall become effective thirty (30) days after the date of issuance noted therein. Penalty payment is due at that time.

If you have any questions regarding this matter, please contact Mr. Sammy Mitz at telephone (214) 655-6475.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental Improvement

bcc: Gair (EN-338)
Lassiter (EN-338)
Ellison (6W-EA) x2
Meacham (6X)
Goetz (6X)
Mitz (6W-ET)
Read File (6W-E)

1. Molycorp, Inc., Questa Division (hereinafter the "Respondent"), a person within the meaning of the Act, owns or operates a facility located in Taos County, with a mailing address of P.O. Box 469, Questa, New Mexico 87556, which discharges pollutants to the Red River, a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq. including Section 309(g) of the Act, 33 U.S.C. § 1319(g).

2. On January 15, 1991 , EPA Region 6 issued to Respondent, and on or about February 2, 1991, notified the public of an Administrative Complaint, Docket No. VI-91-1617, which included formal findings of violation, notice of a proposed assessment of a civil penalty against Respondent, and notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. On January 15, 1991, the State of New Mexico was given an opportunity to consult with EPA regarding the assessment of an administrative penalty against the Respondent.

4a. The Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging 9 to 24 gallons of diesel to the Red River on August 12, 1987.

4b. The Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging mine tailings to a local acequia (irrigation ditch) system on January 11, 1990; April 13, 1990; and November 20, 1990.

4c. The Respondent has violated Part II.B.1. of NPDES Permit No. NM0022306, which condition implements Section 301 of th Act, 33 U.S.C. § 1311, and which permit has been issued to Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by failing to properly operate and maintain its tailings pipeline on December 12, 1989; January 3, 1990; January 11, 1990; April 13, 1990; April 30, 1990; and November 20, 1990, resulting in spills of mine tailings.

4d. The Respondent has violated Part II.B.1. of NPDES Permit No. NM0022306, which condition implements Section 301 of the Act, 33 U.S.C. § 1311, and which permit has been issued to Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by violating monthly average and/or daily maximum concentration limits for molybdenum on May 31, 1990, and fourteen (14) days of June 1990.

III. Penalty Order and Consent

Based on the foregoing findings, and having taken into account the nature, circumstances, extent, and gravity of the violation(s), Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the violation(s), and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or assigns.
2. The Respondent shall mail two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) at the following address:

U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

3. The Respondent shall pay \$30,000 for its past violations of the Act cited above by mailing a money order or certified check payable to Treasurer, United States of America, within thirty (30) days of the effective date of Agreement to the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

The money order or check must list the docket number referenced on page 1 of this Order.

Respondent shall send notice of such payment, including a copy of the money order or check, to the Hearing Clerk at the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

and a copy to the Enforcement Branch at the following address:

Ms. Carlene Ellison (6W-EA)
U.S. EPA Region 6
Water Management Division
1445 Ross Avenue
Dallas, Texas 75202-2733

IV. General Provisions

1. Issuance of this Order does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this administrative penalty assessment, either administratively or judicially

pursuant to Sections 309(a), (b), and (c) of the Act, 33 U.S.C. § 1319(a), (b), and (c). Nor pursuant to Section 309(g)(7) of the Act, does issuance or compliance with this Order exempt Respondent from responsibility to comply with all requirements of the Act and of any legal order or permit issued pursuant thereto.

2. While Respondent agrees to abide by the conditions of this Order, it does not admit to any of the findings contained herein, nor does Respondent admit liability for any purpose or admit any issues of law or fact.


3. Failure by Respondent to pay in full the penalty assessed by this Consent Agreement by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorneys' fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the penalty and of this Consent Agreement shall not be subject to review.

4. Respondent knowingly and explicitly waives its rights pursuant to Sections 309(g)(2) and (8), 33 U.S.C. § 1319(g)(2) and (8), to a hearing on this penalty assessment and to judicial review of this administrative penalty assessment.

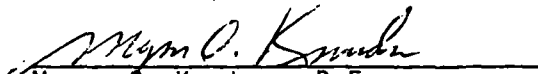
V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing

is filed pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 6 will so notify Respondent and will inform Respondent of the effect of the petition on the effective date of this Consent Agreement and Order.



Mr. David R. Shoemaker
Mine Manager
Molycorp, Inc., Questa Division
P.O. Box 469
Questa, New Mexico 87556



Myron O. Knudson, P.E.
Director
Water Management Division (6W)
EPA Region 6

Issued this JUN 10 1991 day of _____, 1991.



Robert E. Layton Jr., P. E.
Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

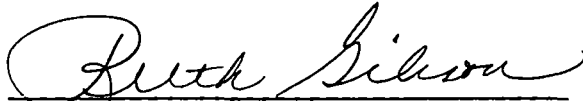
CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of this "CONSENT AGREEMENT AND ORDER ASSESSING ADMINISTRATIVE PENALTIES" to the following persons at the addresses listed below:

Mr. David R. Shoemaker
Mine Manager
Molycorp, Inc., Questa Division
P.O. Box 469
Questa, New Mexico 87556

Date:

June 11, 1991



Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

JAN 15 1991

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 528 581)

Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental Improvement
Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Re: Notice of Proposed Administrative Penalty Assessment
Docket No. VI-91-1617
NPDES Permit No. NM0022306

Dear Mr. Piatt:

Enclosed is a copy of the administrative complaint which the Administrator of the United States Environmental Protection Agency (EPA) proposes to issue to MolyCorp, Inc., Questa Division pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. 1319(g). The Administrator proposes to issue the complaint to begin the process to administratively assess a Class II civil penalty of \$125,000 against MolyCorp, Inc., Questa Division for violations of the Clean Water Act. Because the violations have occurred in the State of New Mexico, EPA is offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference with Mr. Robert H. Fugate within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference or if you have any comments or questions regarding the matter, please call Mr. Robert H. Fugate at telephone (214) 655-6475.

Sincerely yours,

Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

bcc: Gair (EN-338)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
L. Vaughn (6C-G)
Lassiter (EN-338)
Talton (6W-EAT)
Fugate (6W-ET)

Enclosures

JAN 15 1991

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 528 580)

Mr. David R. Shoemaker
Mine Manager
Molycorp, Inc., Questa Division
P.O. Box 469
Questa, New Mexico 87556

Re: Notice of Proposed Assessment of a Class II Civil Penalty
Docket No. VI-91-1617
NPDES Permit No. NM0022306

Dear Mr. Shoemaker:

Enclosed is a document entitled "Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing Thereon" (hereinafter the "Complaint"). We have filed this Complaint against Molycorp, Inc., Questa Division under the authority of Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). In the Complaint, the U.S. Environmental Protection Agency (EPA) alleges that Molycorp, Inc., Questa Division has violated various provisions of the Clean Water Act, its implementing regulations, and the terms of the NPDES permit issued under the authority of the Act. The violations the EPA is alleging are specifically set out in Section II of the Complaint.

By law, you have a right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please pay particular attention to the Complaint Section IV entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within twenty (20) days of your receipt of the Complaint, you will waive your right to such a hearing and, the proposed civil penalty may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.


Whether or not you request a hearing, we invite you to confer informally with the EPA concerning the alleged violations and the amount of the proposed penalty. You may represent yourself or be represented by an attorney at any conference, whether in person or by telephone. The EPA encourages all parties

against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference. If such a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a Consent Agreement signed by you and by the Regional Administrator of EPA Region 6. The issuance of such a Consent Agreement shall constitute a waiver by you of your right to a hearing on, and to a Judicial appeal of, the agreed civil penalty. Enclosed for your convenience are two (2) copies of the "Consent Agreement and Order Assessing Administrative Penalties".

A request for an informal conference does not extend the twenty (20) days by which you must request or waive a hearing on the proposed penalty assessment; the two procedures can be pursued simultaneously. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Mr. Robert H. Fugate (6W-ET), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, or telephone (214) 655-6475.

We urge your prompt attention to this matter.

Sincerely yours,

 Myron O. Knudson

Myron O. Knudson, P. E.
Director
Water Management Division (6W)

Enclosures

cc: Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental Improvement
Division

Mr. Mike Saladen
Water Resources Specialist
New Mexico Environmental Improvement
Division

Mr. Roger K. Ferland
Streich, Lang, Weeks & Cardon
2100 First Interstate Bank Plaza
100 West Washington
Phoenix, Arizona 85003-1897

Mr. Scott Vail
Environmental Coordinator
Molycorp, Inc., Questa Division

bcc: Gair (EN-338)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Lorena Vaughn (6C-G)
Lassiter (EN-338)
Talton (6W-EAT)
Fugate (6W-ET)

1. Molycorp, Inc., Questa Division (hereinafter the "Respondent"), a person within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), owns or operates a facility located in Taos County, New Mexico, with a mailing address of P.O. Box 469, Questa, New Mexico 87556, which discharges pollutants to the Red River, a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq.

2a. The Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging 9 to 24 gallons of diesel to the Red River on August 12, 1987.

2b. The Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging mine tailings to a local acequia (irrigation ditch) system on January 11, 1990; April 13, 1990; and November 20, 1990.

2c. The Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a), by violating condition Part II.B.1. of NPDES Permit No. NM0022306, which condition implements Section 301 of the Act, 33 U.S.C. § 1311 and which permit has been issued to the Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by failing to properly operate and maintain its tailings pipeline on December 12, 1989; January 3, 1990; January 11, 1990; April 13, 1990; April 30, 1990; and November 20, 1990, resulting in spills of mine tailings.

2d. The Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a), by violating condition Part II.B.1. of NPDES Permit No. NM0022306, which condition implements Section 301 of the Act, 33 U.S.C. § 1311 and which permit has been issued to the Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by violating monthly average and/or daily maximum concentration limits for molybdenum on May 31, 1990, and fourteen (14) days of June 1990.

3. EPA has consulted with the State of New Mexico regarding this proposed action by mailing a copy of this document to the appropriate State official and offering an opportunity for the State to consult with the EPA on this proposed penalty assessment.

III. Notice of Proposed Order Assessing A Civil Penalty

Based on the foregoing Findings of Violation and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby proposes to issue a Final Order Assessing Administrative Penalties to the Respondent assessing a penalty of \$125,000, which constitutes less than \$10,000 per violation cited above. The proposed penalty amount was determined by the EPA after taking into account the nature, circumstances, extent and gravity of the violation or violations, the Respondent's prior compliance history, degree of culpability for the cited violations, any economic benefit and savings accruing to Respondent by virtue of the violations, and the Respondent's ability to pay the proposed penalty. All factors are identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). The Final Order Assessing Administrative Penalties may be issued twenty (20) days after Respondent's receipt of this Notice unless the Respondent, within that time, requests a hearing on this Notice pursuant to the following section.

IV. Notice of Opportunity to Request a Hearing

1. Respondent may, pursuant to Section 309(g), of the Act, 33 U.S.C. § 1319(g), request within twenty (20) days of receipt of this Notice, a hearing on the civil penalty assessment proposed herein. At the hearing

the Respondent may contest any material fact contained in the Findings of Violation at Section II above and the appropriateness of the proposed penalty described in Section III above. The procedures for the hearing, if one is requested, are set out in the 40 CFR Part 22, "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", and amendments to the 40 CFR Part 22.38, copies of which are attached hereto for your convenience.


2. Respondent must send any request for a hearing to:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

3. Be aware that should you request a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should you not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties and only members of the public who commented on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to hold a hearing thereon. Such a petition will only be granted and the hearing held if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.

4. Neither assessment nor payment of the administrative civil penalty pursuant to this section of the Act shall affect your continuing obligation to comply with the Act, with every term and condition of your NPDES permit, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), ordering cessation of the violations alleged herein.

Date: January 15, 1991


Myron O. Knudson, P.E.
Director
Water Management Division (6W)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

MOLYCORP, INC., QUESTA DIVISION
P.O. Box 469
Questa, New Mexico 87556

NPDES PERMIT NO. NM0022306

§
§
§
§
§
§
§
§

DOCKET NO. VI-91-1617

ASSESSMENT OF CLASS II
ADMINISTRATIVE PENALTY
ON CONSENT UNDER CWA § 309(g)

CONSENT AGREEMENT AND ORDER
ASSESSING ADMINISTRATIVE PENALTIES*

I. Statutory Authority

The following Findings are made and Consent Agreement issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6, who hereby issues this Final Order.

II. Findings of Violation

Upon consent of the parties by their attorneys and authorized officials, the parties stipulate and the Administrator finds:

1. Molycorp, Inc., Questa Division (hereinafter the "Respondent"), a person within the meaning of the Act, owns or operates a facility located in Taos County, with a mailing address of P.O. Box 469, Questa, New Mexico 87556, which discharges pollutants to the Red River, a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq. including Section 309(g) of the Act, 33 U.S.C. § 1319(g).

2. On _____, EPA Region 6 issued to Respondent, and on or about _____, notified the public of an Administrative Complaint, Docket No. VI-91-1617, which included formal findings of violation, notice of a proposed assessment of a civil penalty against Respondent, and notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. On _____, the State of New Mexico was given an opportunity to consult with EPA regarding the assessment of an administrative penalty against the Respondent.

4a. The Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging 9 to 24 gallons of diesel to the Red River on August 12, 1987.

4b. The Respondent has violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging mine tailings to a local acequia (irrigation ditch) system on January 11, 1990; April 13, 1990; and November 20, 1990.

4c. The Respondent has violated Part II.B.1. of NPDES Permit No. NM0022306, which condition implements Section 301 of the Act, 33 U.S.C. § 1311, and which permit has been issued to Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by failing to properly operate and maintain its tailings pipeline on December 12, 1989; January 3, 1990; January 11, 1990; April 13, 1990; April 30, 1990; and November 20, 1990, resulting in spills of mine tailings.

4d. The Respondent has violated Part II.B.1. of NPDES Permit No. NM0022306, which condition implements Section 301 of the Act, 33 U.S.C. § 1311, and which permit has been issued to Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by violating monthly average and/or daily maximum concentration limits for molybdenum on May 31, 1990, and fourteen (14) days of June 1990.

III. Penalty Order and Consent

Based on the foregoing stipulations and findings, and having taken into account the nature, circumstances, extent, and gravity of the violation(s), Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the violation(s), and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or assigns.
2. The Respondent shall mail two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) at the following address:

U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

3. The Respondent shall pay for its past violations of the Act cited above by mailing a money order or certified check payable to Treasurer, United States of America, within thirty (30) days of the effective date of Agreement to the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

The money order or check must list the docket number referenced on page 1 of this Order.

Respondent shall send notice of such payment, including a copy of the money order or check, to the Hearing Clerk at the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

and a copy to the Enforcement Branch at the following address:

Ms. Carlene Ellison (6W-EA)
U.S. EPA Region 6
Water Management Division
1445 Ross Avenue
Dallas, Texas 75202-2733

IV. General Provisions

1. Issuance of this Order does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this administrative penalty assessment, either administratively or judicially

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of this "Administrative Complaint, Findings of Violation, Notice of Proposed Order Assessing a Civil Penalty and Notice of Opportunity to Request a Hearing Thereon", and a copy of the attached Consolidated Rules for Penalties and the 40 CFR 22 and amendments to the following person at the address below:

Mr. David R. Shoemaker
Mine Manager
Molycorp, Inc., Questa Division
P.O. Box 469
Questa, New Mexico 87556

I further certify that on the same date below I sent by regular mail a copy of this document to the following person at the address listed below:

Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental Improvement
Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Mike Saladen
Water Resources Specialist
New Mexico Environmental Improvement
Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Roger K. Ferland
Streich, Lang, Weeks & Cardon
2100 First Interstate Bank Plaza
100 West Washington
Phoenix, Arizona 85003-1897

Mr. Scott Vail
Environmental Coordinator
Molycorp, Inc., Questa Division
P.O. Box 469
Questa, New Mexico 87556

Date: Jan 15, 1991

Ruth Gibson

Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue

NM22306

Molycorp, Inc.
A Unocal Company
P.O. Box 469
Questa, New Mexico 87556
Telephone: (505) 586-0212

UNOCAL 76

MOLYCORP

June 21, 1991

RECEIVED

JUN 24 1991

Regional Hearing Clerk (6C-G)
U. S. EPA Region 6
P. O. Box 360582M
Pittsburgh, PA 15251

CW-EA

Dear Sirs:

Pursuant to the provisions of the Consent Agreement resulting from an Administrative Complaint, Docket No. VI-91-1617, enclosed is a certified check in the amount of \$30,000.00 issued by Molycorp, Inc. to the Treasurer, United States of America. This amount constitutes payment in full as required in the Consent Agreement and Order Assessing Administrative Penalties issued by Robert E. Layton, Jr. on June 10, 1991.

Very truly yours,

David R. Shoemaker

David R. Shoemaker
Mine Manager

DRS/bjd

Enclosure

cc Regional Hearing Clerk (6C-G), Dallas, TX
Ms. Carlene Ellison (6W-EA)

NOTICE TO CUSTOMER
AS A CONDITION TO THIS INSTITUTION'S ISSUANCE
OF THIS CHECK, PURCHASER AGREES TO PROVIDE
AN INDEMNITY BOND PRIOR TO THE REFUND OR
REPLACEMENT OF THIS CHECK IN THE EVENT IT IS
LOST, MISPLACED, OR STOLEN.



26826

REMITTER MOLYCORP INCORPORATED

JUNE 21

1991

95-128/1070

PAY TO THE ORDER OF TREASURER, UNITED STATES OF AMERICA

\$ 30,000.00

REGISTERED 30000 100

DOLLARS

CASHIER'S CHECK

AUTHORIZED SIGNATURE

Docket No. VI-91-1617

Michael P. Herrera

⑈00026826⑈ ⑆107001261⑆

9215107⑈

6/14/91
6/14/91
REPLY TO: 6W-EA

ATTACHMENT A-1

received 6/25/91
paid

SUBJECT: Request Transmittal for Finance to set up an Accounts Receivable for monies due to EPA

FROM: Ruth H. Gibson
Chief
Administrative Section (6W-EA)

TO: Sheldon S. Brandt
Financial Management Officer (6M-FA)

ATTN: Rey Gomez

THIS MEMO TRANSMITS THE REQUEST AND INFORMATION NECESSARY TO SET UP AN ACCOUNTS RECEIVABLE FOR THE FOLLOWING:

1. Type of document: Consent Agreement
(RCRA Consent Agreement or SDWA Consent Decree, etc.)
2. Document classification: (fine/penalty/cost recovery/state refund/etc.)
3. Docket Number: 91-1617
4. Facility/Site Name: MolyCorp
EPA Facility ID#: NM0022306
Company Name: MolyCorp
Address: PO Box 8469

City, State, Zip: Albuquerque NM 87556
5. EPA Contact: Carlene Cline
Phone Number: 6450
Section: Admin Mail: 6W-EA
6. Document Date: 6/10/91
7. Due Date: 8/10/91
8. Total Amount Due: \$ 30,000

9. Installment Method (if applicable)

N/A INSTALLATION OF
1st \$ _____ ON _____
2nd \$ _____ ON _____
3rd \$ _____ ON _____
4th \$ _____ ON _____

10. Establish Accounts Receivable ☒ YES _____ NO

11. Prepare a bill _____ YES _____ NO

12. Return the bill to the Program Office by N/A.

13. Calculate interest and handling fee on outstanding balance. ☒ YES _____ NO

If not, explain in No. 14.

14. Other special instructions or information:

(TO BE FILLED OUT BY THE FINANCIAL MANAGEMENT OFFICE)

ACKNOWLEDGEMENT

IFMS Accounts Receivable Control Number: NPDES911617

Finance contact person: Wendy W. Davis / Rey Gomez

Phone Number: 6518 Mail Code: GRU-EH

Signature

Date

Wendy W. Davis

6-17-91



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

ALLIED BANK TOWER AT FOUNTAIN PLACE

1445 ROSS AVENUE

DALLAS, TEXAS 75202

A.D.

2/29

REPLY TO: 6W-ET or ~~6W-E0~~

MEMORANDUM

SUBJECT: Administrative Order Close Out

FROM: Mark W. Potts
Chief
Compliance Section, OK/LA/AR (6W-E0)
James L. Graham, Jr., P.E.
Chief
Compliance Section, TX/NM (6W-ET)

TO: Ruth Gibson
Chief
Administrative Section (6W-EA)

1 - Permit/CD
AD 2 - AO & AO matl
3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

For purposes of Compliance and Tracking, please close the following:

Administrative Order Docket No. II - 90-1037

Issued to Moly corp, Inc.

NPDES Permit No. TX NM 22306

If you have any questions, please contact Crawford

Thank you.

cc: Potts (6W-E0)
Graham (6W-ET)
Collins (6C-W)
Bahor (EN-388)